

THE HONORABLE RICHARD A. JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Case No. CR11-70RAJ

Plaintiff.

vs.

ROMAN SELEZNEV,

ORDER CONTINUING TRIAL DATE AND SETTING CASE SCHEDULE

Defendant.

The Court, having reviewed the record and files in this case and after a consideration of all relevant information and the circumstances of this case, finds that the ends of justice will best be served by continuing the trial date to May 9, 2016, and orders the parties to comply with the complex case schedule set forth below. The ends of justice outweigh the best interests of the public and the defendant in having the matter brought to trial sooner.

The Court makes the following findings:

1. Defendant Roman Seleznev is charged in a Second Superseding Indictment with violations of federal criminal law, including wire fraud in violation of 18 U.S.C. § 1343; crimes in connection with computers in violation of 18 U.S.C. § 1030; access device fraud in violation of 18 U.S.C. § 1029; and aggravated identity theft in violation of 18 U.S.C. § 1028A. The charges in the Second Superseding Indictment involve allegations of a complex

1 international computer fraud scheme, the object of which was to steal credit card numbers
2 which would then be illegally resold over the internet and used to engage in fraudulent
3 transactions. The Second Superseding Indictment alleges that defendant, using computer
4 infrastructure located in numerous countries around the world, trafficked in millions of credit
5 card numbers, thereby victimizing millions of banks, businesses and individuals, and
6 generating millions of dollars in illicit profits for the defendant.

7 2. On May 13, 2015, the Court granted defendant's Motion for Appointment of
8 New Counsel. (Dkt. No. 164.) On May 22, 2015, the Court ordered the appointment of
9 Angelo J. Calfo. (Dkt. No. 165.)

10 3. The government and defense counsel have indicated that the discovery in this
11 case is voluminous and complex; involves the analysis of multiple complex computer systems;
12 and involves investigations by the government in multiple jurisdictions. Because of the
13 appointment of new counsel, defendant will require substantial additional time in order to
14 adequately review the discovery and prepare for any motions and trial.

15 4. Based on the foregoing, the Court finds that the ends of justice will best be
16 served by a continuance of the trial date and outweigh the best interests of the public and the
17 defendant in a speedy trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A).

18 5. The Court further finds that the failure to grant such a continuance in this case
19 would likely result in a miscarriage of justice because the defendant would be denied the
20 reasonable time necessary for effective preparation, taking into account the exercise of due
21 diligence. 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

22 6. The Court finds, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii), that the case is so
23 unusual and complex, due to the nature of the prosecution, the existence of novel questions of
24 fact or law, and the volume of discovery that it would be unreasonable to expect adequate
25 preparation for trial within the time limits established by 18 U.S.C. § 3161.

1 7. The Court finds, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv), that
 2 the period of delay is reasonable.

3 8. Any and all period of delay resulting from this continuance, from the date of
 4 this order, until the date of the rescheduled trial, shall be excludable time pursuant to Title 18,
 5 United States Code, Section 3161(h)(7)(A), for purposes of computation of the time limitations
 6 imposed by the Speedy Trial Act, Title 18, United States Code, Section 3161 through 3164.

7 It is therefore ORDERED that trial of this matter is hereby continued to 9:00 a.m. on
 8 May 9, 2016, and that the parties shall observe the following complex case schedule:

Event	Date Ordered
Status Conference	June 26, 2015 at 9:00 a.m.
Government to provide discovery under Fed. R. Crim. P. 16(a)(1)(A) – (F) and Local CrR 16(a)(1), with continuing obligation as set forth in Rule 16(c)	Already passed
Status Conference and Evidentiary Hearing on Defendant's Motion to Dismiss	October 23, 2015 at 9:00 a.m.
Deadline to file Pretrial Motions I (Dismissal, Discovery/Brady, Bill of Particulars, etc.). Response briefs due November 16, 2015; Reply briefs due November 23, 2015	October 26, 2015
Status Conference and Hearing on Pretrial Motions I	December 11, 2015 at 9:00 a.m.
Government to provide its preliminary exhibit list related to its case in chief	December 30, 2015
Government to provide any additional evidence favorable to the defendant or material to defendant's guilt or punishment, including any agent notes, memoranda, or email containing <i>Brady</i> material	December 30, 2015
Government's preliminary identification of all 404(b) evidence	December 30, 2015
Government to provide its preliminary witness list relevant to its case in chief	December 30, 2015
Government to provide discovery under Rule 16(a)(1)(G) (expert discovery)	December 30, 2015

Event	Date Ordered
Deadline to file Pretrial Motions II (Arising after review of discovery and substantial investigation; Suppression; Severance; Venue). Response briefs due Feb. 8, 2016; Reply briefs due February 15, 2016	January 19, 2016
Government to produce Jenks Act, Rule 26.2, and <i>Giglio</i> impeachment materials, including information relating to known non-testifying declarants under Fed. R. Evid. 806 (if any)	January 25, 2016
Defendant to make preliminary production of discovery under Rule 16(b)(1)(A)-(B) and Local CrR(a)(2), based on current good faith assessment of materials in his possession, with continuing obligation as set forth in Rule 16(c), and without prejudice to subsequent production on March 1, 2016	January 29, 2016
Status Conference & Hearing on Pretrial Motions II	February 26, 2016 at 9:00 a.m.
Defendant to provide discovery under Rule 16(b)(1)(A)-(B) and Local CrR 16(a)(2) (with continuing obligation as set forth in Rule 16(c))	March 1, 2016
Defendant to provide his preliminary exhibit list related to his case-in-chief	March 1, 2016
Defendant to provide his preliminary witness list related to his case-in-chief	March 1, 2016
Defendant to provide discovery under Rule 16(b)(1)(C) (expert discovery)	March 1, 2016
Status Conference	March 11, 2016 at 9:00 a.m.
Government to produce all summary exhibits and underlying data under Fed. R. Evid. 1006; Government to provide rebuttal expert disclosures	March 28, 2016
Government to produce its final witness list and exhibit list related to its case-in-chief and final disclosure of Rule 404(b) evidence	April 1, 2016
Defendant to produce his final witness list and exhibit list related to his case-in-chief	April 8, 2016
Parties to file motions <i>in limine</i> and motions re: 404(b) and inextricably intertwined evidence. Response briefs due 04/22/16; Reply briefs due 04/28/16.	April 11, 2016

Event	Date Ordered
Defendant to produce all summary exhibits and underlying data under Fed. R. Evid. 1006; Defense to provide rebuttal expert disclosures	April 18, 2016
Trial Briefs, Proposed Jury Instructions, Voir Dire and Verdict Forms	April 18, 2016
Pretrial conference; Hearing on motions <i>in limine</i> (if necessary)	April 29, 2016 at 9:00 a.m.
Trial	May 9, 2016 at 9:00 a.m.

DATED this 26th day of June, 2015.



The Honorable Richard A. Jones
United States District Judge